

Serial No. 10/748,819

Remarks

Claims 1-4 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,845,534 to Huang.

Huang discloses a flexible U-shaped pillow intended to support the head of a user in various lying positions. The flexible U-shaped pillow includes a main pillow cushion 101 and two opposite side pads 102 extending and angled away from two opposite ends of the main pillow cushion to define a space 103 under the main pillow cushion (see column 1, lines 53-56).

By contrast, Applicant's side sleeping pillow combination includes a main pillow cushion with side pads made to fold under the main pillow and thereby creating a space under the main pillow cushion. Unlike the support pillow disclosed by Huang, Applicant's side sleeping pillow requires a user to fold the side pads under the main pillow in order to create a space between the main pillow and the surface of the bed. Huang discloses a support pillow which has a space between the underside of the main pillow and the surface of the bed by default, due to its side arms angled away from the two opposite ends of the main pillow creating the over all U-shape of the pillow. While the side pads disclosed in Huang may be capable of folding relative to the main pillow, the folding does not create the desired space between pillow and bed surface. Moreover, if a user were to fold the side pads 102 under the main cushion as shown in Fig. 10, no space would remain for a user to place an arm under the main pillow.

In addition, Huang only discloses one side arm on either side of the main pillow, whereas Applicant discloses a pair of side pads with spacing there-between on either side of the main pillow (as shown in Applicant's Fig. 1.). Huang further does not disclose any spacing whatsoever between the side arms and the main pillow.

It further appears from Figures 2-4 that the structural design of Huang's support pillow provides for some flexibility of its entire body including the pillow's side arms. However, when the side arms are "folded" as shown in Fig. 10, they would only be able to retain their folded position as long as the weight of a user's head creates a downward force. When the user's head is lifted off the pillow the pillow would simply snap back into its default U-shape.

Serial No. 10/748,819

Applicant's side sleeping pillow has true folding capabilities which provide the user with a number of distinct advantages over Huang's support pillow. Applicant's side sleeping pillow can be used like a conventional pillow with the side pads remaining unfolded on either side of and level with the main cushion. If desired, a user can further fold the two pairs of side pads while retaining designated arm channels within the folded pillow for comfortable arm placement. Lastly, the true folding capabilities provide a user with greater flexibility when storing the pillow during non-use.

Claims 1-2 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,158,813 to Karash.

Karash discloses a foldable head and neck rest made out of a rectangular piece of cardboard 12, which may be folded to create a pair of triangular-shaped support members 62 and 66 on opposite sides of a base portion 42 so that the base portion may be positioned behind a user's head or neck, whereby the pair of support members support both sides of a user's head or neck.

Karash does not anticipate applicant's claims for several reasons. First, Karash's invention is directed at a low-cost disposable head and neck rest (see column 1, lines 5-7) and as such does not disclose any pillow cushion or padded surfaces. Instead, the head and neck rest in its preferred embodiment is entirely made out of cardboard or similar materials. Second, while the side members can be folded to create support members, such folding does not create a space between a main pillow and a bed surface. Rather, the space between the two support members is created in order to receive the head or neck of a user while the support members keep the user's head from turning sideways.

Unlike Karash, Applicant's invention is directed at a side sleeping pillow. Not only does it comprise a pillow cushion, but its foldable side pads serve an entirely different function. Applicant's folded side pads create a space between the under side of the main pillow and the bed surface. While Karash intends to stabilize the head and neck of an upright-sleeping person by placing the head into a space between two support members of either side, Applicant intends to create a space between the main pillow and the bed surface in order to receive a side-sleeper's arm.

Serial No. 10/748,819

For the foregoing reasons, neither Huang nor Karash anticipate Applicant's invention. Applicant believes that the claims are in condition for allowance, which action is respectfully solicited.

Respectfully submitted,

Cook, Alex, McFarron, Manzo, Cummings & Mehler, Ltd.

By:

  
David M. Mundt, Registration No. 41,207

Suite 2850  
200 West Adams  
Chicago, Illinois 60606  
(312) 984-0144

October 20, 2005